

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 05/20/2002	NUMBER 03.03.110
SUBJECT SPECIAL PROBLEM OFFENDER NOTICE	SUPERSEDES 03.03.110 (09/19/88)	
	AUTHORITY MCL 791.203; 791.204	
	ACA STANDARDS NONE	
	PAGE 1 OF 3	

**POLICY STATEMENT:**

Specific information about dangerous or potentially dangerous offenders, and known or potential conflict situations between offenders, shall be reported, investigated and documented as a special problem offender notice (SPON), as set forth in this policy.

**RELATED POLICY:**

01.06.120 Victim Notification

**POLICY:**GENERAL INFORMATION

- A. For purposes of this policy, "Warden" includes the Administrator of the Special Alternative Incarceration Program facility (SAI), unless otherwise specified.
- B. For purposes of this policy, "offenders" means prisoners, parolees and probationers who are housed in, or about to be housed in, a Department facility.
- C. For purposes of this policy, an "immediate family member" is a grandparent, parent, stepparent, spouse, mother-in-law, father-in-law, child, stepchild, grandchild, sibling, stepbrother, stepsister, aunt and uncle.
- D. Requests from a victim or other person to receive notification of a prisoner's transfer or release shall not be documented as SPONs. Such requests shall be handled as set forth in PD 01.06.120 "Victim Notification".

SPON INITIATION AND INVESTIGATION

- E. All staff are responsible for initiating a SPON when specific reliable information is brought to their attention which warrants issuance pursuant to this policy. A SPON shall be issued whenever an offender is believed likely to represent a genuine threat to the safety of an identified offender, volunteer or employee, including a Department of Community Health or contractual employee, or to the order or security of a correctional facility. A SPON also shall be issued whenever an offender will require protection from another offender due to a known conflict. Examples of circumstances under which a SPON is to be issued include the following:
  - 1. When there is a specific act or threat of violence to or by an offender.
  - 2. When a prisoner is a serious escape risk.
  - 3. When there is a gang vendetta.
  - 4. When an offender has testified or is known to have provided information against another offender.

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 05/20/2002	NUMBER 03.03.110	PAGE 2 OF 3
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5. When it is known that an offender in a Department facility has an immediate family member working or housed in any Department facility.
- F. Before a SPON is issued, a thorough investigation shall be conducted to determine if there is a legitimate need for the SPON. SPONs shall not be issued based solely on general allegations that are not supported by the investigation. It is not intended that a SPON be issued for every confrontation or fight or when an offender cannot or will not give sufficient information to investigate the need for a SPON if the claim cannot otherwise be substantiated.
- G. If, after completion of the investigation, a SPON is believed to be warranted, a Special Problem Offender Notice form (CAJ-544) shall be prepared for each offender to whom the SPON will apply. The Special Problem Offender Notice form, along with supporting documentation, shall be forwarded to the Warden, Deputy Warden, or Field Operations Administration (FOA) Regional Administrator, as appropriate, for approval. If approved, the Warden or FOA Regional Administrator shall ensure SPON information is entered on the Department's computerized database (e.g., CMIS, OMNI) and that the Special Problem Offender Notice form is distributed as indicated on the form as expeditiously as possible. The Special Problem Offender Notice form shall include a red border to ensure it is easily identifiable. Special Problem Offender Notice forms shall not be photocopied for placement in prisoner commitment files; file copies shall be made only by using original forms, although carbon paper may be used to make copies.

#### PLACEMENT OF OFFENDERS WITH SPONS

- H. Whenever an offender for whom a SPON has been issued transfers, SPON information shall be included in the appropriate transfer order.
- I. A CFA prisoner with a SPON shall not be housed in the same facility as another prisoner identified on the Special Problem Offender Notice form except as set forth in PD 05.01.140 "Prisoner Placement and Transfer". In addition, a CFA prisoner with a SPON shall not be housed in a facility in which an immediate family member identified on the Special Problem Offender Notice form is employed without prior approval of the CFA Deputy Director or designee.
- J. An FOA offender with a SPON shall not be housed in the same facility as another offender identified on the Special Problem Offender Notice form unless prior approval is received from the FOA Deputy Director or designee. In addition, an FOA offender with a SPON shall not be housed in a facility in which an immediate family member identified on the Special Problem Offender Notice form is employed without prior approval of the FOA Deputy Director or designee.

#### SPON REVIEW/REMOVAL

- K. In CFA, SPONs shall be reviewed during security classification review or upon the request of a CFA prisoner with a SPON to determine if there is a continued need for the SPON. For FOA offenders, SPONS shall be reviewed upon the request of an FOA offender with a SPON and as otherwise set forth in procedures issued by the FOA Deputy Director or designee. Repeated requests by either CFA or FOA offenders which are deemed inappropriate need not be acted upon.
- L. Whenever it is believed that a SPON may no longer be necessary, a thorough investigation shall be conducted to determine if the SPON should be removed. A written report of the investigation shall be forwarded to the Warden or FOA Regional Administrator who shall determine if the SPON should be removed. However, if the Warden or FOA Regional Administrator wants to remove a SPON issued by another Warden or FOA Regional Administrator, s/he shall forward the report, along with his/her recommendation, to the issuing Warden or FOA Regional Administrator, or his/her successor. The SPON shall be removed if that Warden or FOA Regional Administrator agrees the SPON should be removed. If s/he does not agree and the initiating Warden or FOA Regional Administrator still believes the SPON should be removed, the report and recommendations shall be forwarded through the chain of command to the CFA and/or FOA Deputy Director or designees, as appropriate, to make the final

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 05/20/2002	NUMBER 03.03.110	PAGE 3 OF 3
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determination. The appropriate Wardens and/or FOA Regional Administrators shall be notified of the final determination.

- M. Whenever a SPON is to be removed, the Warden or FOA Regional Administrator of the facility where the offender is housed shall ensure the Special Problem Offender Notice form is removed from the offender's commitment files and SPON information is removed from the Department's computerized database. For a prisoner or parolee, a memorandum shall be placed in the commitment files indicating where the SPON was issued, the date it was effective, the date and reason it was removed and the location where it was removed. For probationers in SAI, similar information shall be documented as set forth in procedures issued by the FOA Deputy Director. The original Special Problem Offender Notice form and written report of the investigation shall be retained for at least three years at the location where the SPON was removed.

#### OPERATING PROCEDURES

- N. Each Warden and the FOA Deputy Director shall ensure that procedures necessary to implement this policy directive are developed consistent with policy requirements within 60 calendar days after its effective date.

#### AUDIT ELEMENTS

- O. A Primary Audit Elements List has been developed and will be provided to Wardens, the SAI Administrator and FOA Regional Administrators to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

WSO:OPH:04/23/02